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CONSTITUTIONAL LAW—CO-ORDINATE BRANCHES OF GOVERNMENT—POWER OF PROBATE COURT TO DIRECT MODE IN WHICH TELEPHONE COMPANIES MAY USE STREETS.—CITY OF ZANESVILLE V. ZANESVILLE TELEPHONE AND TELEGRAPH CO., 59 N. E. Rep. 109 (Ohio).—Sec. 3461, Rev. St., requires probate courts to direct the mode in which a telephone or telegraph company may use the streets of a city, when the municipal authorities and the company are unable to agree. *Held*, unconstitutional.

This case illustrates the persistency with which the law keeps distinct and independent the executive, legislative and judicial branches of the government. *Appeal of Norwalk St. Ry. Co.*, 38 Atl. Rep. 708; *Hayburn's Case*, 2 Dall. 409. It is often difficult to distinguish legislative from judicial powers. A judicial act is a determination of what the existing law is, in relation to something already done, while a legislative act is a pre-determination of what the law shall be, for the regulation of future cases. *Cooley, Const. Lim.*, p. 108. In the light of the above distinction, the legislative character of the power given by the above statute becomes manifest.

CORPORATIONS—ULTRA VIRES—ADVERTISING GOODS.—VIRGIL V. VIRGIL PRACTICE CLAVIER CO., 68 N. Y. Supp. 355.—A corporation organized for the manufacture and sale of instruments designed for practice and instruction in piano playing is not acting *ultra vires* when, in order to overcome the prejudice to a toneless instrument and to bring the invention to public notice, the corporation as a part of its general scheme maintains a piano school, the result of which is an increase in the monthly sales.

This case is in line with other recent decisions which go to broaden the field of implied powers of private corporations. The cases of *Steinway v. Steinway & Sons*, 40 N. Y. Supp. 718, and *Holm v. Brewing Co.*, 47 N. Y. Supp. 518, go farther than the case at bar. The modernized doctrine is well stated in *Koehler v. Reinheimer*, 49 N. Y. Supp. 755, where it is said: "So far as the people are concerned, whether a corporation shall make one contract or another, so long as it advances the purposes for which the corporation was organized, is absolutely unimportant; and so the rule has come to be laid down that, except as restrained by law, trading corporations have the implied power to make all such contracts as will further the objects of their creation, and their dealings in this regard may be likened to those of an individual seeking to accomplish the same ends."

COUNTERFEITING—FORMER CONVICTION—DISTINCT OFFENSE.—BLISS V. UNITED STATES, 105 Fed. 508.—*Held*, counterfeiting of notes at different times of the same series and from the same plate constitute distinct offences and a conviction for one is no bar to a prosecution for the others.

This decision doubtless has good support. *United States v. Rodenbush*, 8 Pet. 288. But the question is not so clearly settled as is indicated by this case. *Commonwealth v. Connors*, 116 Mass. 35, gives no support to the view that separate issues from the same series, running through a past period of time, may be divided into parts and called separate offences. A contrary view was held in *Bronch Sons Co. v. Palmer*, 65 Ga. 210.

DEATH OF MINOR CHILD—RECOVERY BY PARENT—EXTENT OF DAMAGES.—BEARMAN V. MARTHA WASHINGTON MIN. CO., 63 Pac. Rep. 631 (Utah).—In an action by a father for the negligent killing of his minor child, the recovery is not limited to the deprivation of the society, comfort and services of the child during his minority, but damages may be recovered for benefits expected after his majority.